

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

MARTIN NELSON GARCIA,

Defendant.

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: DEC 17 2007

SEALED INDICTMENT

S2 07 Cr. 1169

COUNT ONE

The Grand Jury charges:

1. From approximately in or about 2005, up to and including at least in or about November 2007, in the Southern District of New York and elsewhere, MARTIN NELSON GARCIA, the defendant, and others known and unknown, unlawfully, intentionally, and knowingly did combine, conspire, confederate and agree together and with each other to violate the narcotics laws of the United States.

2. It was a part and an object of the conspiracy that MARTIN NELSON GARCIA, the defendant, and others known and unknown, would and did distribute and possess with intent to distribute a controlled substance, to wit, five kilograms and more of mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1) and 841(b)(1)(A).

Overt Act

3. In furtherance of said conspiracy and to effect the illegal object thereof, the following overt act, among others, was committed in the Southern District of New York and elsewhere:

a. In or about June 2006, MARTIN NELSON GARCIA, the defendant, arranged for a delivery of approximately 22 kilograms of cocaine to the New York metropolitan area.

(Title 21, United States Code, Section 846.)

**FORFEITURE ALLEGATION**

4. As a result of committing the controlled substance offense alleged in Count One of this Indictment, MARTIN NELSON GARCIA, the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violation and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violation alleged in Count One of this Indictment, including but not limited to a sum in United States currency representing the amount of all proceeds obtained as a result of the controlled substance offense alleged in Count One of the Indictment.

Substitute Asset Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to or deposited with, a third party;

(3) has been placed beyond the jurisdiction of the court;

(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

  
FOREPERSON

  
MICHAEL J. GARCIA  
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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INDICTMENT

S2 07 Cr. \_\_\_\_\_

(Title 21, United States Code,  
Section 846)

MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL



Foreperson.

USA-33s-274

3/27/07

Filed Ind.

Ellis, J.